

_____ BILL NO. _____

INTRODUCED BY _____

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE SALE OF CERTAIN WILDLIFE AND WILDLIFE PARTS; AMENDING SECTION 87-3-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-3-111, MCA, is amended to read:

"87-3-111. Unlawful to buy, sell, possess, or transport fish or game -- exceptions -- penalties. (1)

It is unlawful for a person to purchase, sell, offer to sell, possess, ship, ~~or transport,~~ or ship or transport for sale all or part of any game fish, upland game bird, migratory game bird, game animal, or fur-bearing animal that is protected by the laws of this state, whether taken in Montana or outside of Montana, except as specifically permitted by the laws of this state.

(2) The provisions of this section do not prohibit:

(a) the possession or transportation within the state of all or part of any legally taken fish, upland game bird, migratory game bird, game animal, or fur-bearing animal;

(b) the sale, purchase, or transportation of hides, heads, or mounts of lawfully killed upland game birds, migratory game birds, game fish, fur-bearing animals, or game animals lawfully taken before [the effective date of this act], except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided in 87-3-110;

(c) the sale, purchase, or transportation of hides of lawfully killed upland game birds, migratory game birds, game fish, fur-bearing animals, or game animals lawfully taken after [the effective date of this act] and of antlers or horns of a game animal lawfully taken after [the effective date of this act] that are not attached to any part of the skull, except that:

(i) the sale, purchase, or transportation for sale of a hide of a mountain sheep, black bear, or mountain lion is prohibited; and

(ii) the sale, purchase, or transportation for sale of a hide, head, or mount of a grizzly bear is prohibited, except as provided in 87-3-110;

~~(e)~~(d) the possession, transportation, sale, or purchase of naturally shed antlers or the antlers with a

1 skull or portion of a skull attached from a game animal that has died from natural causes and that has not been
2 unlawfully or accidentally killed;

3 ~~(d)~~(e) the possession, transportation, sale, or purchase of the bones of an elk, antelope, moose, or deer
4 that has been lawfully killed or that has died of natural causes;

5 ~~(e)~~(f) the donation and sale of paddlefish roe as caviar under the provisions of 87-4-601; or

6 ~~(f)~~(g) the possession, transportation, sale, or purchase of captive-reared migratory waterfowl.

7 (3) For upland game birds, migratory game birds, game fish, fur-bearing animals, or game animals
8 lawfully taken after [the effective date of this act], it is unlawful for a person to purchase, sell, offer to sell, or ship
9 or transport for sale a mount, a game animal skull, or the horn or antler that is still attached to any part of the
10 skull or the hide of a mountain sheep, black bear, or mountain lion except as allowed in subsection (4).

11 (4) For upland game birds, migratory game birds, game fish, fur-bearing animals, or game animals
12 unlawfully taken after [the effective date of this act], a licensed taxidermist, estate executor, or bankruptcy
13 referee may sell a mount of a game bird, migratory game bird, game fish, fur-bearing animal, or game animal
14 or the hide of a mountain sheep, black bear, or mountain lion if that person first obtains a permit from the
15 department. A licensed taxidermist may receive a permit to sell an unclaimed mount of a game bird, migratory
16 game bird, game fish, fur-bearing animal, or game animal or a hide of a mountain sheep, black bear, or
17 mountain lion after the mount or hide has been unclaimed for 1 year and after the taxidermist sends notice of
18 the intent to sell, by registered mail and at least 15 days before the sale, to the last-known address of the person
19 who ordered the taxidermy work. A person may purchase and possess a mount or hide purchased from a seller
20 under this subsection.

21 ~~(3)~~(5) It is unlawful for a person to possess or transport live fish away from the body of water in which
22 the fish were taken, except:

23 (a) as provided in Title 87, chapter 4, part 6, or as specifically permitted in the laws of this state;

24 (b) for fish species approved by the commission for use as live bait and subject to any restrictions
25 imposed by the commission; or

26 (c) within and along the boundaries of the eastern Montana fishing district, as established by the
27 1994-95 commission regulations.

28 ~~(4)~~(6) A person violating any of the provisions of this section is guilty of a misdemeanor and upon
29 conviction shall be punished as provided in 87-1-102."

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